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Re Applic of	Rainer E. Gehres
Docket No.	FIS920030358US1
Serial No.	10/707,725
Filing Date	1/7/04
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

PLEASE DELIVER TO:

EXAMINER: Walter L. Lindsay, Jr.

ART UNIT: 2812

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Rainer E. Gehres	Date: January 18, 2005
Serial Number: 10/707,725	Examiner: Walter L. Lindsay, Jr.
Filed: 1/07/04	Group Art Unit: 2812
Title: METHOD OF MAKING FIELD EFFECT TRANSISTORS HAVING SELF-ALIGNED SOURCE AND DRAIN REGIONS USING INDEPENDENTLY CONTROLLED SPACER WIDTHS	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-8531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated December 28, 2004.

The Examiner in the Office Action has required restriction under 35 U.S.C. 121, stating that the claims belong to:

GROUP I, Claim 20, drawn to an integrated circuit, and

GROUP II, Claims 1-19, drawn to a method of making field effect transistors.

10/707,725

1

Applicant elects to prosecute the invention of GROUP II, consisting of Claims 1-19, and withdraws from consideration the claims forming GROUP I, as being drawn to non-elected invention, without prejudice to the Applicant's right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims. Therefore, the invention of GROUP I, namely, Claim 20 can be withdrawn by the Examiner under 37 C.F.R. 1.142 b), as being drawn to a non-elected invention.

The Office Action states further that the application contains claims directed to patentable distinct species of the claimed invention.

Applicant traverses this assertion and respectfully contends that claim 1 is a generic claim addressing the more general process of fabricating a device containing spacers. Claim 1 addresses not only a process that is applicable to two or more spacers but can also apply to the process of fabricating a device having only one spacer. Accordingly, the process recited in claim 15 is nothing more than a species of a device process recited in claim 1.

Notwithstanding the aforementioned arguments, in order to advance the prosecution of the present invention, Applicant elects to prosecute claims 1 to 14.

It is understood that in the event where claim 1 is allowed as a generic claim, Applicant will be entitled to consideration to the additional species as recited in claims 14-19

The election of claims is made without traverse.

Respectfully submitted,
RAINER E. GEHRES

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